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proposition that the evidence of an agreement by defendant to repurchase did not vary the terms of plaintiff's subscription contract. How such a contention could be maintained is not clear, for manifestly an unconditional contract to buy stock is a different contract entirely from a contract to purchase stock, conditioned upon the vendee being satisfied therewith and in case of his dissatisfaction the vendor agreeing to repurchase. The following cases are in direct opposition to the holding in the principal case and declare that a subscription contract to purchase corporate shares cannot be altered or modified by parol testimony. *Mefford v. Sell*, (Neb.), 92 N. W. 148; *Merrick v. Consumers Heat and Electric Co.*, 111 Ill. App. 153; *Gathright v. Oil City Land & Imp. Co.*, 21 Ky. Law Rep. 1657; *Newland Hotel v. Wright*, 73 Mo. App. 240; *McAllister v. Ind. & C. R. Co.*, 15 Ind. 11.

HUSBAND AND WIFE—PERSONAL TORTS BETWEEN.—Plaintiff sued her husband for assault and battery, predicated her right to sue on § 1155 of the Code of the District of Columbia (in which the parties were domiciled). That section provides: "Married women shall have power to \* \* \* sue separately for the \* \* \* protection of their property, and for torts committed against them as fully and freely as if they were unmarried \* \* \*" On demurrer the action was dismissed. The Court of Appeals of the District affirmed the judgment (31 App. D. C. 557, 14 Am. & Eng. Ann. Cas. 879). On writ of error, the Supreme Court of the United States affirmed the latter court's decision, Justices HARLAN, HOLMES and HUGHES dissenting. *Thompson v. Thompson* (1910), 31 Sup. Ct. 111.

Mr. Justice DAY, who wrote the majority opinion, argued that public policy is opposed to such suits—that "domestic tranquility" would be impossible if either spouse were permitted to sue the other for purely personal wrongs—and that Congress cannot be presumed to have intended so radical a change in existing law by the general language above quoted. The authorities, apparently without exception, support this view. *Freethy v. Freethy*, 42 Barb. 641; *Phillips v. Barnet*, L. R. 1 Q. B. D. 436, 45 L. J. Q. B. (N. S.) 277; *Nickerson v. Nickerson*, 65 Tex. 281. *Schultz v. Schultz*, 27 Hun 26, *contra*, was overruled (89 N. Y. 644). The husband may not sue the wife for a personal wrong under a Code provision permitting her to be sued for her torts. *Peters v. Peters*, 156 Cal. 32, 103 Pac. 219, 19 L. R. A. (N. S.) 699. The learned judge argues that the wife may secure relief by action for divorce, maintenance, or criminal prosecution. The last point is answered by a dictum in *Sykes v. Speer*, (Tex. Civ. App.) 112 S. W. 422: " \* \* \* if a husband can be held criminally responsible for an unjustifiable assault upon one whom the law has placed under his care and protection \* \* \* certainly the same considerations of policy should permit her to recover compensation for damages which his brutality may have inflicted upon her. The dissenting opinion, by Mr. Justice HOLMES, characterizes the majority view as "judicial legislation," and argues that "with the mere policy, expediency, or justice of legislation the courts, under our system of government, have nothing to do." \* \* \* "No exception is made in reference to the husband, if he happens to be the party charged with transgressing the rights conferred upon the wife by the statute. \* \* \*"